

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN McKINLEY,

Plaintiff,

CASE NO. 05-CV-70113-DT
HON. LAWRENCE P. ZATKOFF

vs.

KEY LAKES, INC., Successor Corporation
to GREAT LAKES TRANSPORTATION, LLC;
GREAT LAKES FLEET, INC., Subsidiary of
GREAT LAKES TRANSPORTATION, LLC,
Successor to USS GREAT LAKES FLEET and
USS GREAT LAKES FLEET, INC., a Delaware
Corporation,

Defendants.

ORDER

AT A SESSION of said Court, held in the City of Port Huron,
State of Michigan, on the 1ST day of February, 2006.

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

On October 18, 2005, after defendant USS Great Lake Fleet, Inc. (hereinafter "Defendant") failed to produce for deposition a "Fleet Engineer and/or technical representative," Plaintiff filed a Motion for Sanctions (Docket #12) requesting that the Court enter an order:

- (a) deeming the liability allegations of Plaintiff's Complaint to be established for purposes of this action;
- (b) refusing to allow Defendant to oppose the liability allegations of Plaintiff's Complaint;
- (c) striking the parts of Defendant's Answer responding to the liability allegations of Plaintiff's Complaint and entered [sic] a default, thereon; and
- (d) granting any other appropriate relief.

To date, Defendant has not answered Plaintiff's Motion.

For the reasons set forth in Plaintiff's Motion, specifically the failure of Defendant to produce such person(s) for deposition despite repeated requests by Plaintiff for the same, the Court hereby ORDERS that Defendant produce such person(s) for deposition by Plaintiff on or before February 10, 2006, or such later time on or before February 24, 2006, provided that such later time is stipulated to by the parties, in writing, on or before February 10, 2006.

IT IS FURTHER ORDERED that in the event that Defendant complies with the foregoing Order, Defendant shall be reimburse Plaintiff for the cost of filing the instant motion.

IT IS FURTHER ORDERED that in the event Defendant fails to produce the "Fleet Engineer and/or technical representative" as Ordered by the Court herein, the Court shall grant the relief requested by Plaintiff as set forth in paragraphs (a), (b) and (c) above, as well as grant such other relief as the Court deems appropriate.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 1, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 1, 2006.

s/Marie E. Verlinde

Case Manager
(810) 984-3290